

OPEN MEETING AGENDA ITEM
BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

LEA MÁRQUEZ-PETERSON, Chairwoman
SANDRA D. KENNEDY
JUSTIN OLSON
ANNA TOVAR
JIM O’CONNOR

IN THE MATTER OF IMPACT OF	}	Docket No. E-00000A-21-0010
CLOSURES OF FOSSIL-BASED		
GENERATION PLANT ON IMPACTED		
COMMUNITIES.		

**Comments Requesting an Indefinite Delay in this Proceeding Until all Coal-Impacted
Community Town Halls are Completed**

I am writing in response to the Commission’s 5-0 vote on May 17 to extend the timeline in Docket No. E-00000A-21-0010 and what it says about the Commission’s commitment to equity and justice for Tribal communities. As much as there is a desire for the Commission to act swiftly in developing a framework to guide its decision-making around issues of Just and Equitable Transition, I feel compelled to make the following request for an even further delay in the just-approved schedule in order to address yet another glaring and blatantly offensive misstep in Staff’s management of this docket.

On April 28, an administrative law judge issued an interim draft order extending deadlines in this docket, moving the date for recommendations to be submitted to the Commission from May 2 to June 2, for the second substantive workshop from May 11 to June 15, and for the Staff report and recommended order from July 15 to August 16. On May 10, Staff filed a memo based on the proposed order, setting a deadline for the CCT task force to submit its recommendations to Staff

no later than May 31, 2022¹ in order to meet the June 2, 2022 deadline for Staff to submit the recommendations to the Commission.² On May 17, the Commission unanimously approved this amended schedule.

This schedule, as it stands, defies credulity. To date, the Commission has held just two town hall meetings in communities that are impacted by coal plant closures: Joseph City on April 27³ and St. John's on April 28.⁴ Those workshops generated a turnout of hundreds of people. Three more town halls have been scheduled: May 24 in Page, May 25 in Holbrook and May 26 in Springerville, and those were just publicly announced on the morning of May 17.⁵

Disturbingly, the Commission's news release makes absolutely no mention of the Commission's intent to host town hall meetings in Tribal communities. In fact, the release states that the May 26 town hall will be the "final" one. It's not clear whether that means it will be the final meeting in May or the final one altogether. But in the end, that doesn't really matter since the dates for any town halls in Tribal communities will fall well AFTER task force recommendations have been submitted to the Commission under the newly approved timeline, and very likely after the final substantive workshop. Five town hall meetings in non-tribal communities and not a single one for the Navajo Nation or Hopi Tribe before the CCT task force completes its work.

¹ <https://docket.images.azcc.gov/E000019197.pdf?i=1652809227879>

² Note that the Commission has already extended the deadline for the task force recommendations to be filed, moving it from May 2 to June 2, which that comes on top of the delay in Staff moving this docket forward last spring and the Commission's extension of the proceeding for the creation of a task force and hosting town hall meetings.

³ See archived recording of the Joseph City town hall: <https://www.youtube.com/watch?v=dg1rNh69skg&t=8s>

⁴ See archived recording of the St. John's town hall: <https://www.youtube.com/watch?v=LrWO9G0CI8>

⁵ See ACC news release dated May 17, 2022: <https://azcc.gov/news/2022/05/17/arizona-corporation-commission-to-host-town-hall-meetings-in-page-holbrook-and-eager>

Intentional or not, this is an inconceivable insult to communities that are at the forefront of CCT issues, and it should greatly trouble the Commission that Tribal communities would – again – be dismissed and silenced by the timing in the newly approved schedule, by default erasing their voices and viewpoints from consideration as part of the recommendations being developed by the CCT task force. For the generic docket to have any legitimacy, members of the task force must have every opportunity to consider what ALL CCT communities have to say. It's hard not to recognize the social injustice and inequity of neglecting Tribal communities and omitting their concerns from Commission deliberations after giving non-tribal communities plenty of opportunity to comment.

Requesting an indefinite delay in this proceeding is NOT desirable. CCT communities have waited long enough for the support they deserve, but there is no way that in good conscience anyone should support a schedule that proposes leaving out large swaths of people who have been impacted by coal plant closures, arguably more than any other group. Therefore, I am respectfully requesting that the Commission grant deference to the requests of CCT communities that have suffered the brunt of health, environmental and natural resource impacts from over half a century of coal mining and postpone the deadline for the task force recommendations indefinitely until after Staff has completed ALL of its town hall meetings, both in non-tribal and tribal communities.

Respectfully submitted,

Eric Frankowski

Western Clean Energy Campaign